

DEPARTMENT OF PERSONNEL ADMINISTRATION

OFFICE OF THE DIRECTOR

1515 "S" STREET, NORTH BUILDING, SUITE 400
SACRAMENTO, CA 95814-7243

March 23, 2010

The Honorable Denise Ducheny
Chair, Joint Legislative Budget Committee
State Capitol, Room 5035
Sacramento, California 95814**Re: Addenda for International Union of Operating Engineers (IUOE) Craft and Maintenance Employees within the Department of Water Resources (DWR)****Affecting Employees Represented by Bargaining Unit 12 (IUOE, Craft and Maintenance) Employed within DWR).**

On February 16, 2010, the DWR and the IUOE, representing BU 12, agreed on items relating to background checks of BU 12 employees subject to "Critical Infrastructure Protection (CIP) Personnel Risk Assessments". This background check includes identification verification and a seven year criminal history review of the affected employees. Mainly, the terms of the agreement provide that effective March 1, 2010:

- Once DWR determines that a BU 12 employee (who is subject to the CIP Risk Assessment) is ineligible to access "critical areas", DWR must place that employee in another area of the Department within the employee's classification. This employee placement is exempt from the "post and bid" provisions of Article 17 of the BU 12 MOU.
- Affected BU 12 employees who are denied "critical area" access by DWR will have a right to a written denial, an opportunity to appeal the denial, and access to materials that lead to DWR's denial.

There are no associated costs to this agreement.

If you have any questions, please contact Tom Dyer, Legislative Coordinator, at (916) 327-2348.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Debbie Endsley', written over a horizontal line.

Debbie Endsley
Director

Attachments

cc: Members Joint Legislative Budget Committee

Michael Prosio, Legislative Affairs Secretary
Office of Governor Schwarzenegger

Mack Taylor, Legislative Analyst
Office of the Legislative Analyst

Jody Martin, Principal Consultant
Joint Legislative Budget Committee

ecc: Diego Martin, Consultant
Office of the Legislative Analyst

Diana Ducay, Program Budget Manager
Department of Finance

Craig Cornett, Chief Fiscal Policy Advisor
Office of the Pro Tem

Charles Wright, Chief Consultant
Office of the Pro Tem

Chris Woods, Budget Director
Office of the Speaker

Greg Campbell, Chief Consultant
Office of the Speaker

Seren Taylor, Staff Director
Senate Republican Fiscal Office

Chantele Denny, Consultant
Senate Republican Fiscal Office

Anthony Archie, Consultant
Assembly Republican Fiscal Office

Peter Schaafsma, Staff Director
Assembly Republican Fiscal Office

Daniel Alvarez, Staff Director
Senate Budget Committee

Bryan Ehlers, Consultant
Senate Budget Committee

Adam Dondro, Staff Director
Assembly Budget Committee

Bob Franzioia, Staff Director
Senate Appropriations Committee

Maureen Ortiz, Consultant
Senate Appropriations Committee

Geoff Long, Chief Consultant
Assembly Appropriations Committee

Brad Williams, Consultant
Assembly Appropriations Committee

Pamela Schneider, Consultant
Senate PE&R Committee

Karon Green, Chief Consultant
Assembly PER&SS Committee

Therese Twomey, Consultant
Senate Republican Caucus

Terry Mast, Consultant
Assembly Republican Caucus

Alene Shimazu, Chief
Fiscal Analysis, DPA

Diane Navarro, Deputy Director
Labor Relations, DPA

Randy Fisher, LRO
Labor Relations, DPA

2/16/10
8pm
Deborah True

TA.
J. Ray
2:48/2-16-10

Union Counter Proposal To Managements 2/16/2010 Proposal

Date: 2/16/10
Time: 2:19pm

Bargaining Unit 12

Subject: DWR – CIP Personnel Risk Assessment Policy and Procedures

1. No later than March 1, 2010 the Department of Water Resources will begin conducting CIP Personnel Risk Assessment/background checks on identified personnel. The Assessment shall consist of an identification verification and a 7 year criminal history check.
2. IUOE Bargaining Unit 12 employees deemed ineligible to access critical areas shall be accommodated in their classification in other areas in the Department. A position identified for placement of the individual shall not be subject to the Article 17 Post and Bid procedures of the IUOE Contract. The Union shall be notified prior to placement.
3. In an IUOE Bargaining Unit 12 employee subject to the CIP Personnel Risk Assessment is arrested after implementation of this policy, the arrest shall be reported directly to the OCO Administrative Officer or the Chief of Utility OPS. For the Purposes of this policy, an arrest shall be defined as "the taking or keeping of a person into the custody by legal authority."
4. After all potential appeals to a denial have been exhausted; the third party derogatory information at Department of Water Resources used in the decision and appeal shall be destroyed in a secured manner by the Department.
5. An employee shall have the right to appeal a denial of access to the Senior Manager. The employee will have the right to a representative of their choice; the employee is responsible for making the request prior to any meetings with the Senior Manager.
6. IUOE Bargaining Unit 12 employees denied access shall be provided a copy of any information in the Departments possession from the third party vendor that was obtained during the investigation at no charge to the employee.
7. Any employee denied access as a result of the background investigation check or the identification verification shall be provided the denial in writing.